

MINUTES
KITTY HAWK TOWN COUNCIL
January 6, 2014
Kitty Hawk Town Hall, 6:00 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Public Comment
5. Consent Agenda
 - a.) Approval of December 2, 2013 Council Minutes
 - b.) Revenues and Expenses Report for November 2013
 - c.) FY 13-14 Budget Amendment #3
 - d.) Request to Fill Vacancy in Police Department
 - e.) Request from Public Works Department for Capital Expenditure
 - f.) Acceptance of \$1,500 Donation from SAGA Construction & Development
6. Items Removed from the Consent Agenda
7. Public Hearings:
 - a.) Zoning Amendment: Application to rezone all or portions of seven (7) parcels associated with the Shoreside Center to clarify and correct the official zoning map.
 1. 5400 N. Croatan Highway – BC-3/PCD/BR-3/BR-1 to BC-3/PCD
 2. 5406 N. Croatan Highway (two parcels) – BC-1/BC-3 to BC-1
 3. 5416 N. Croatan Highway – BC-1/BC-3 to BC-1
 4. 5424 N. Croatan Highway – BC-1/BC-3 to BC-1
 5. 5430 N. Croatan Highway – BC-1/BC-3 to BC-1
 6. 5440 N. Croatan Highway – BR-1 to BC-1
 - b.) Text Amendment: Application to amend Subsection 42-360(c)(2)d with standards allowing pier length to be measured from the furthest waterward point of the normal high water mark on any property.
8. New Business:
 - a.) Coastal Planning & Engineering Service Agreement
 - b.) Albemarle & Associates Agreement for Professional Services for Lillian Street Beach Access Parking Extension
 - c.) Albemarle & Associates Agreement for Professional Services for Stormwater Management Design Services
9. Reports or General Comments from Town Manager
 - a.) Town Community Rating System
 - b.) Thank You to the Police Department
 - c.) National Flood Insurance Program Informational Meeting
10. Reports or General Comments from Town Attorney
 - a.) Overton Property
 - b.) Winks

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11. Reports or General Comments from Town Council
 - a.) Thank you to Council and Staff
 - b.) Text Amendment
 - c.) CAMA Land Use Meeting
 - d.) Ridge Road
12. Public Comment
13. Adjourn

COUNCIL MEMBERS PRESENT:

Mayor Gary Perry, Mayor Pro Tem Ervin Bateman, Councilman Craig Garriss, Councilwoman Emilie Klutz and Councilman Jeff Pruitt

STAFF MEMBERS PRESENT:

Town Manager John Stockton, Town Clerk Lynn Morris, Town Attorney Steve Michael, Finance Officer Charlene Allen, Management Assistant Melody Clopton, Planning Director Joe Heard, Police Chief Joel Johnson, Fire Chief Lowell Spivey and Public Works Director Willie Midgett

1. Call to Order

Mayor Perry called the meeting to order at 6 p.m. and welcomed everyone in attendance.

2. Moment of Silence/Pledge of Allegiance

Following a moment of silence the Pledge of Allegiance was recited.

3. Approval of Agenda

Councilman Bateman made a motion to approve the agenda. It was seconded by Councilwoman Klutz and approved unanimously, 5-0.

4. Public Comment

There were no public comments.

5. Consent Agenda:

- a.) **Approval of December 2, 2013 Council Minutes.** *(An affirmative vote for the consent agenda will approve these minutes.)*

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b.) Revenues and Expenses Report for November 2013. *(An affirmative vote for the consent agenda will acknowledge this report.)*

c.) FY 13-14 Budget Amendment #3 – This budget amendment will recognize and appropriate no-match government channel funding for purchase of video equipment to upgrade technology for the Smith Room. *(An affirmative vote for the consent agenda will approve this budget amendment.)*

d.) Request to Fill Vacancy in Police Department – Due to a resignation there is a vacancy in the police department. This request is to hire an officer with a starting salary of \$36,239.62. *(An affirmative vote of the consent agenda will allow this position to be filled.)*

e.) Request from Public Works Department for Capital Expenditure. This request is to replace a 2007 Ford F150 Pickup Truck with 130,000 plus miles. The new vehicle is a 2014 half ton Dodge pickup truck for \$25,381. *(An affirmative vote for the consent agenda will approve this request.)*

f.) Acceptance of \$1,500 Donation from SAGA Construction & Development – This donation to the police department will be designated to purchase automated external defibrillators for the patrol cars. *(An affirmative vote for the consent agenda will approve this donation.)*

Councilwoman Klutz made a motion to approve the consent agenda with the elimination of item 5(f). Councilman Garriss seconded the motion and it passed unanimously, 5-0.

6. Items Removed from the Consent Agenda:

5.(f) Acceptance of \$1,500 Donation from SAGA Construction & Development – This donation to the police department will be designated to purchase automated external defibrillators for the patrol cars.

Councilwoman Klutz said she removed item 5(f) because she wanted to publicly thank SAGA Construction and Development for the donation of \$1500 in memory of their Construction Superintendent Dewey Parr. Noting the donation is designated to purchase automated external defibrillators for the police officers to place in their patrol cars she then **moved to approve the acceptance of the donation from the SAGA Corporation. Councilman Pruitt seconded and the motion was unanimously approved.**

7. Public Hearings:

Councilman Garriss made a motion, seconded by Councilwoman Klutz, to go into public hearing. The vote was unanimous, 5-0.

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a.) Zoning Amendment: Application to rezone all or portions of seven (7) parcels associated with the Shoreside Center to clarify and correct the official zoning map.

1. 5400 N. Croatan Highway – BC-3/PCD/BR-3/BR-1 to BC-3/PC
2. 5406 N. Croatan Highway (two parcels) – BC-1/BC-3 to BC-1
3. 5416 N. Croatan Highway – BC-1/BC-3 to BC-1
4. 5424 N. Croatan Highway – BC-1/BC-3 to BC-1
5. 5430 N. Croatan Highway – BC-1/BC-3 to BC-1
6. 5440 N. Croatan Highway – BR-1 to BC-1

Heard: *This evening council is considering a zoning map amendment for split-zoned properties at 5400, 5406, 5416, 5424, 5430 and 5440 North Croatan Highway. There are a total of 7 parcels encompassed within those addresses. The aerial map being shown has thin yellow lines that are property lines.*

The town is trying to correct and clarify areas of the town's zoning map and attempt to match zoning district boundaries to existing property lines. We noted a number of split-zoned properties were in the area where the Shoreside Center is located. This is staff generated. We do not have an application from any of the property owners but for the record please be aware each of the property owners and business owners who are leasing those properties have been contacted about this proposal as well as alternatives the planning board looked into when they were reviewing it. We have treated this as a regular rezoning and all of the notification that is typically done was done for this public hearing and for the planning board meeting.

With the various subdivisions, lot combinations, zoning amendments and development occurring over the years, the zoning of these subject properties has become a very complex issue resulting in a number of properties being shown as split-zoned or improperly zoned on the town's official zoning map. The intent is to rezone these parcels to clarify the zoning so in the future when development, re-development or other issues arise, it is clear what each of the parcels is zoned and the standards can be applied appropriately.

Looking at the aerial map it begins with a series of out parcels in front of Shoreside Center. It does not include McDonalds. That was developed in concert with the center itself and there are no issues with that BC-3 zoned property. It begins with Gateway Bank and moves next door to include the BB&T Bank property, Carawan's Seafood and a vacant, undeveloped parcel just to the west, the ABC store and some of the area along the western side of the Shoreside Center property as it goes back along the side.

There are a series of outparcels in the front and at one point the zoning was shown extending all the way back 200' but for some reason the official zoning map only shows that zoning extending back 100' in this area. We are looking at correcting it by bringing that BC-1 zone all the way back so all of those outparcels will be consistently zoned BC-1.

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There is also a smaller parcel on the eastern side of the Gateway Bank property. That parcel, as well as the Gateway property, are owned by Mr. Roughton and because it is to the west of that entrance it made sense to include it even though it was not zoned BC-1. It functions as part of the Gateway Bank property and it made sense to include it in the proposal. The property owner has concurred.

The second area is on what we will call the Wal-Mart portion of the Shoreside Center property. It is actually an area that is part of the septic system related to Barrier Island Station. The area was zoned as part of the PCD part of that development. They came back and had the area rezoned and for whatever reason it never showed up on the zoning map. We are looking at correcting that as well. All of the records, maps and site plans related to the Shoreside Center show the entire strip all the way to the property line being zoned BC-3.

The last one has a little different rationale and that is the ABC store property owned by Dare County ABC Board. The property at the time of its development, all of the staff reports, site plans and all of the official records refer to that property as being zoned commercially. In researching records it appears everyone was under that assumption but in researching it appears that was not the case. The intent of rezoning is to correct that situation. Right now there is a non-conforming commercial development of the property and the intent is to correct it.

The town's Land Use Plan notes that all of the properties, except for a portion of the ABC store property, has been designated as commercial shopping and working areas and the rezoning to a commercial district would be consistent for those properties. A portion of the area that runs down the western side Dominion Power has an easement and then there is an easement associated with Cypress Knee Trail that runs back to the Barrier Island Station. That area was designated as rights-of-way easements, canals, ponds and etcetera.

After looking at the proposal the planning board made a recommendation and voted unanimously at their meeting on November 14th to recommend approval of the proposed changes. They felt the proposed zoning was consistent with the adopted CAMA Land Use Plan. That is what I have for you as far as my presentation and will certainly be glad to answer any questions.

Perry: *First I want to thank you for breaking that out the way you did. It certainly makes a complex scenario a little easier for me to understand. In addition to the town trying to correct a split-zoning did I hear you once before say that Dare County also wanted us to make these corrections?*

Heard: *Yes. Dare County is seeking to add a zoning layer to their maps and they struggled with locating the proper location for some of the zoning lines. It would be much easier to follow property lines and they are encouraging the town to do that.*

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Perry: *Previously when we tried to correct one a problem cropped up unbeknownst to any of us or the planning board. Have you heard of anything like that for this public hearing?*

Heard: *No and we have spoken with every single business and property owner along there.*

Klutz: *I noticed there are residential lots alongside Cypress Knee Trail and I remember reading in the packet that all of the buffer requirements are still satisfied in terms of what is required between the commercial and the residential properties. Is that correct?*

Heard: *The buffer requirement is a specific requirement in the BC-3 district. It is not a requirement in the BR-1 district that the zoning map is incorrectly showing and by moving it over it will allow us much clearer enforcement of the buffer should the need ever arise.*

Klutz: *Is it going to cause any problems?*

Heard: *The area is already set aside for that purpose. There is no development or anything of that nature on there. There is a fence in sections as part of the required buffer at the time. With the rezoning it would support the continuation of the buffer between the commercial and residential.*

Hearing no further questions Mayor Perry asked if anyone in the audience wished to speak during the public hearing.

1. Ralph Calfee, Engineer: *I am here representing Barrier Island Station. One minor subtlety is that the Planned Commercial Development overlay on the BC-3 district is to get Barrier Island's traffic and signage and what have you all the way out to the highway. So the PCD overlay needs to cover this short section of Cypress Knee Trail. It is minor but I just want to be sure it is noted. I have talked with Joe about it and it is something that can be fixed when doing the actual detail of the new zoning map. What this is really doing in my opinion is fixing a bunch of stuff that was either done or not done by people who are not here to defend themselves and therefore I recommend you vote for it.*

Perry: *Is there anyone else that wishes to speak?* No one came forward and Mayor Perry asked for the record to reflect such.

Councilman Garriss made a motion to return to regular session. MPT Tem Bateman seconded and it passed unanimously.

Hearing no further comments or questions, **Councilwoman Klutz made a motion to grant approval to rezone the identified parcels at Shoreside Center per the attached zoning map with the addition that Mr. Calfee brought up in the public hearing. Specifically the outparcels at 5406, 5416, 5424, 5430 and 5440 North Croatan Highway are to be entirely rezoned Beach Commercial One. The identified portions of the Wal-Mart property at 5400**

North Croatan Highway are to be zoned Community Shopping Center BC-3 with a Planned Commercial District overlay zone, again, as modified by the comment from Mr. Calfee. Town council finds that rezoning the subject properties is consistent with the current use of the subject properties and a majority of the properties' designation as a Commercial, Shopping and Working Area on the future Land Use Map in Kitty Hawk's adopted Land Use Plan. The reasons to justify the decision to approve the application include the proposed rezoning will correct a number of mapping errors that have occurred in the Shoreside Center development over time, corrects the split-zoning of outparcels which will resolve any confusion or dispute as to which district's standards will apply to future development activities on those parcels and the proposed rezoning is consistent with the actual use of the subject properties. Councilman Bateman seconded the motion and it passed unanimously, 5-0.

b.) Text Amendment: Application to amend Subsection 42-360(c)(2)d with standards allowing pier length to be measured from the furthest waterward point of the normal high water mark on any property.

Councilwoman Klutz made a motion, seconded by Councilman Garriss, to go into public hearing. The vote was unanimous.

Heard: This proposal is a text amendment to amend Section 42-360(c)(2)d with standards allowing pier length to be measured from the furthest waterward point of the normal high water mark on a property. I would like to explain how this one came about it. It is fairly unique in my experience. We had a gentleman come to our office with a proposal to construct a pier. He was told it would be limited to 100'. After talking through the standards with him he offered some opinions and commentary that made sense to me and I felt it was worth taking forward to the planning board. After discussion the board made a recommendation to move this proposed text amendment forward to council for consideration.

The intent of this is to discourage a practice we have had to some extent of constructing piers over the widest portions of coastal marshes in order to maximize the distance that the pier can extend into the bay or sound. Most people desire to get out as far as they can with a pier. Almost every pier we have permitted over the last couple of decades has been the maximum length of 100'.

The way our ordinance currently works is it encourages property owners to locate their pier over the marsh that extends the furthest out into the bay or sound. Staff and Division of Coastal Management staff has observed this practice can lead to the deterioration of marsh over which the pier crosses. In an attempt to reduce damage to coastal marshes this amendment would create an allowance for owners to locate piers in areas with narrower marshes while allowing the length of the pier to extend its full length into the sound. We cannot say that is the sole

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reason for deterioration. There may certainly be other factors but it is something we have noticed over time.

The maximum length of all marine improvements, including the pier or docking facility shall be measured from the furthest waterward point of the normal high water mark of the bay or sound adjoining the property. The marine improvements can be placed in any location along the property and extend out to the established distance.

I want to point out a couple other minor changes that are a part of this. In the first sentence we changed to the word "normal" high water mark. That is what is used in all of the Division of Coastal Management standards so we figured it would be a good time to correct ours and be consistent with the terminology that they use.

The second change is in the chart. Currently the ordinance has the first item as private pier slash docking facility. For clarification we are proposing to add the word "residential" because community pier or commercial pier could also be a private pier and we felt it helped clarify the intent of the piers that are limited to 100'.

After reviewing the proposal at its meeting on November 14th the planning board voted unanimously to recommend approval. The board also found this proposal to be consistent with the adopted Land Use Plan. I will be glad to answer any questions.

Klutznick: *When you read this you left out "or docking facility in its entirety." That is still in there is that correct?*

Heard: *That is correct.*

Klutznick: *I have one change. There was a comment that there could be an inference when reading this that the location of the pier, with the current wording, could be thought to be in an adjoining sound water because of the use of the word "along." It says the marine improvements can be placed in any location along the property. Some people think of along as alongside so I would like to request the word "along" be changed to "within" and that will clarify the intent of the ordinance which applies to just a single property, lot or parcel.*

Perry: *I have a question about the normal high water mark. How is that measured?*

Heard: *There are a variety of ways we look at the tides. We look at the debris line which is a mark determined by the Division of Coastal Management. Ben Alexander and I are both local permit officers for Kitty Hawk and go through training every year. If an owner disagrees with our determination we will bring in someone from Elizabeth City to help with the location. It is a determination that is made using some of the debris lines. If you have a pier or other kind of structure you can look at things like barnacles or you can tell where the waterlines are. Those*

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are all clues and the different types of vegetation. All of those are factors used in determining the line.

Perry: *So it is not the edge of the marsh.*

Heard: *Not always.*

Perry: *And it is nothing like the mark that is used, the invisible mark, out in the ocean. It is a completely different process.*

Heard: *That is correct. It could be somewhat similar I guess to establishing that first line of vegetation on the oceanfront. It is a little different than what you are talking about but ...*

Perry: *How often do you determine it? Each application?*

Heard: *Yes.*

Perry: *It is not a static line.*

Heard: *That is correct. It is not a static line and it is subject to change. We did some historical research on the piers that have been permitted in Kitty Hawk. Some of them, when you look at the aerial photographs, today they appear to be longer than 100' and that's because the area has retreated ten, maybe twenty feet, over the last decade.*

Perry: *So a pier that was built years ago as opposed to someone wanting to do it today they could wind up with a shorter pier than those of years ago.*

Heard: *That is certainly possible.*

Hearing no further questions or comments Mayor Perry asked if anyone in the audience wished to speak during the public hearing. No one came forward.

MPT Bateman made a motion to return to regular session. Councilwoman Klutz provided a second and it passed unanimously.

Perry: *I had asked each of you to look at adjacent property and adjoining property and that sort of thing. I want the record to show that the intent of this ordinance is to provide a point of measurement for pier length of an individual lot that is referenced from some place interior to the boundary of subject property, not adjacent to or adjoining any other lot, near or far from the lot being measured. What I am trying to prevent by making that statement is this council has been through some periods where we did not know what the history or intent was. I hope this will help someone in the future know we are talking about a pier measured within that lot and no where else. That will go in the record and the minutes for somebody to be able to review.*

Councilman Bateman made a motion to adopt the proposed text amendment to subsection 42-360(c)(2)d allowing pier length to be measured from the furthest waterward point of the normal high water mark on a property. Town council finds this amendment to be consistent with the town's adopted CAMA Land Use Plan and in the public interest by allowing property owners greater flexibility in selecting the location for a pier while minimizing environmental harm to coastal marshes.

Councilwoman Klutz offered a second and asked for the word "along" to be replaced with "within." Council was in agreement with the word change and the motion passed unanimously, 5-0. (Ordinance No. 14-01)

8. New Business:

a.) Coastal Planning & Engineering Service Agreement – This agreement provides engineering, environmental and geotechnical services in support of the beach nourishment project. The amount is \$619,773.

Stockton: Coastal Planning and Engineering submitted this proposal to provide engineering, environmental and geotechnical services in support of the beach nourishment project. Specifically this proposal provides services which include permitting, environmental documentation, shoreline change, volume change analysis, beach profile surveys, storm vulnerability analysis, preliminary overtopping analysis, preferred alternative design and engineering report, Bureau of Ocean Energy Management Authorization, preliminary geophysical survey, vibracore survey, design level geophysical survey, cultural resource survey, native beach samples, compatibility analysis, product and report development and additional vibracore surveys if they are needed. The total cost of these services is \$619,773 and the money is provided by Dare County for the beach nourishment project. The agreement with the county provides \$800,070 for this purpose. Mr. Willson is here to answer any questions.

Perry: The only question I have for Mr. Willson is at some point council is going to have to consider municipal service districts and I would like his opinion of when it should be seriously considered given the timeline that has been given. I am thinking next year.

Willson: My understanding is that you cannot really enter into a MSD until you are within one year of issuing a contract for the construction. Right now with the schedule we are on, and we have a meeting with Dare County and a couple of the towns on Wednesday, the schedule we are moving forward with would be to construct this project sometime in 2016. There is potential that you could issue a contract for the construction early in 2016 to try to start building as soon as the weather gets good. I would agree that as far as 2014 I do not see it being on the horizon.

Perry: All right that is important for us to know for budgeting and other things.

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Willson: *What we are going to propose during the meeting on Wednesday are some pretty regular quarterly meetings to get the three towns and the county together. Let everybody see the progress as we go along and nothing is dropped in your laps. We will try to keep everybody updated at least on a quarterly basis and obviously I will be in touch with John more frequently.*

Klutz: *All of your concerns were addressed Steve?*

Michael: *They were.*

Perry: *We are looking at 24 months and I think Duck in particular wanted to push forward faster but I just do not see that happening.*

Willson: *The hope for the county or the reason that the county has been so willing to help out is they want to maximize the cost sharing so we will catch you all up to where they are. The other two towns kind of divided their proposals into two different proposals so we could get going. We already have contracts for the engineering and permitting for Kill Devil Hills and Duck. As far as the sand search Duck has approved their portion and I imagine Kill Devil Hills will get that contract sometime this week. Everybody is starting to get in line pretty well.*

Perry: *And council does understand that this part of it has been up fronted by the county to Kitty Hawk so we could be caught up. We are pretty much locked in to this. Is there a motion?*

Councilman Garriss moved that the town manager be authorized to enter into a contract with the Coastal Planning and Engineering for the purpose of design and permitting services for beach nourishment, marine sand search investigation and borrow area design for the lump sum price of \$619,773. Councilman Pruitt seconded the motion and it passed unanimously.

b.) Albemarle & Associates Agreement for Professional Services for Lillian Street Beach Access Parking Extension – This agreement is for preliminary plans and documents suitable for preparing a grant application to the Division of Coastal Management for the parking extension. The amount is \$1,150.

Stockton: *We have an opportunity to apply for a grant as part of the Division of Coastal Management Fast Track Cycle and in order to make the deadline of February 28th we need to obtain information pertaining to the planning and cost estimation for the Lillian Street Beach Access Parking Extension. We feel this is a viable project and would be a good grant application but in order to do that we have to get Albemarle and Associates to prepare some preliminary engineering documents and cost estimates for us to apply for the grant. They have submitted a proposal for \$1,150.*

Perry: *The funding for this could come out of our existing Parks and Recreation Fund.*

Stockton: *Yes that is correct.*

Perry: *Also, just because this is a fast grant does not mean we are out of the running should we not get it. There is still the regular CAMA and the Tourist Bureau process but in any case we would need to have this engineering before we could do anything. We can get this out of the way and then go whichever direction allows us to get funds.*

Councilman Pruitt moved that the town manager be authorized to enter into a contract with Albemarle and Associates for the purpose of preparing the preliminary plan, cost estimate of permits and bid documents and cost estimate for construction of the Lillian Street Beach Access Parking Extension for the lump sum of \$1,150. Mayor Pro Tem Bateman seconded and the motion passed unanimously.

c.) Albemarle & Associates Agreement for Professional Services for Stormwater Management Design Services – This agreement is for the Poseidon and Goosander Area Street Emergency Pumping Facility. The amount is \$8,500.

Stockton: *This is a continuation of our stormwater management plan that was completed in February of 2012 with the recommendation for construction of stormwater management facilities between the highways. As part of the continuation it is recommended to proceed with the design and preparation of the bid documents for the street emergency pumping facility at Poseidon and Goosander Streets. The facility will include the installation of a collection sump basin at 3616 Poseidon Street and the installation of 890' of 12" HDPE pipe culminating at a pump connection on the east side of NC 12. The estimated cost of the surveys, easement documentation, design, bidding and construction administration is \$8,500. The original estimate of cost for the project was \$91,196 and the funding for the project can come from the Powell Bill fund which has a present balance of \$465,957.*

Perry: *Thank you. We have a sump that was put in at Byrd Street and it, according to Willie when he can get to it during an overwash, works well. We then put in a second sump and standpipe system on Hawks Street. That gives us something on the north end of town, something around the center of town and now we need something on the south end of town. Poseidon Street does several things. It would give us the pumping capabilities with the standpipe that public works can get to when there is overwash and perhaps even rain water flooding in an area that we need coverage. That would give us coverage of the town so to speak. I would not recommend that we go any further with this standpipe system until we see how it works in an actual event but this gets us where we can at least have the town covered in three different places. We can see how it works. On the south end of town we need an easement in order to put a standpipe whereas on the other ends we have not had to get an easement because we already own the land. Part of this project is going to be trying to obtain necessary easements to put this in and if we get that then we are good to go for the future. That is one of the reasons I asked John to bring this to our attention and try to get this going.*

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There were two plans for Poseidon and Goosander. One of them took in some private property, if we could get the easement for it, and had a preferred lower level area to do it in. The other alternate basically only needed one easement. One needs two easements, the other needs one and we may wind up with only one easement or we may not get any easements so we are going to have to find out what we can do. This is not a done deal.

One final point is after Hurricane Sandy US 158 flooded all the way across. Rabbit Hollow, which is another problem area, flooded. PW Director Midgett said he observed and noted that as he pumped down the Poseidon area and it came to road level, Rabbit Hollow continued to be de-watered while he pumped down east of 158 which means there is drainage under the highway. This will give us several different options in an area we need it.

Councilwoman Klutz moved that the town manager be authorized to enter into a contract with Albemarle and Associates for the purpose of providing design, bidding and construction administration services for the Poseidon and Goosander Streets Emergency Pumping Facility for the lump sum price of \$8,500. Councilman Pruitt seconded and it passed unanimously.

9. Reports or General Comments from Town Manager

a.) Town Community Rating System – Manager Stockton reported the town has received a letter from Insurance Services Office Incorporated informing the town it has been recertified for the year 2013 and the town remains in good standing in the Community Rating System for 2014. The CRS recertification means the town has done everything necessary to maintain its status in the National Flood Insurance Program and maintains a Class 6 insurance rating. It does not mean insurance rates will not go up but it means property owners will continue to receive the same insurance discounts as in previous years.

b.) Thank You to the Police Department - Manager Stockton said the town recently received a thank you from Mr. Ashton for Officer Heim's assistance in helping his wife during a recent emergency.

c.) National Flood Insurance Program Informational Meeting – Manager Stockton reported the League of Women Voters of Dare will be holding an informational program concerning the recent legislation on coastal communities flood insurance costs. Willo Kelly, Government Affairs Director of the Outer Banks Association of Realtors and the Outer Banks Homebuilders Association and President of NC 20 will speak on Thursday, January 9th at 7 p.m. in the Kill Devil Hills meeting room. Kelly has visited the NC General Assembly and participates in weekly conference calls regarding this issue. According to a recent news article Kelly believes that changes to the National Flood Insurance Program made by the Biggert-Waters Act are going to affect not only coastal communities but inland as well. Residents and property owners of Dare County are encouraged to attend.

10. Reports or General Comments from Town Attorney

a.) **Overton Property** - Attorney Michael reported the public administrator has been in the property and it is packed. They are in the process of trying to find a way to liquidate some of those items and are hopeful they might generate enough income to cover the cost of removing it. That is the best they expect right now. There is also asbestos which presents a problem for any type of demolition. Once they get all the personal property out maybe somebody will buy the property and hopefully generate enough income to pay the expenses including the taxes that are owed to the town and county. Beyond that there is probably not much that is going to be realized from of it.

Mayor Perry asked if there is a timetable for the work and Attorney Michael replied there is not.

b.) **Winks** – Attorney Michael reported the town is in the discovery process with Winks and it will go on the regular court calendar at some point in time.

11. Reports or General Comments from Town Council

a.) **Thank you** – Councilman Garriss thanked council and staff for the phone calls, emails, visits and flowers during his recent health issues. He said it is a great feeling knowing he has so many friends.

b.) **Text Amendment** – Councilwoman Klutz said while she was reviewing the town code for the pier amendment she noticed a couple of footnotes for a list of certain conditional uses in the town administrative offices and that list does not exist. She asked for a consensus from council to have the planner work on an amendment to avoid any kind of confusion. (Council concurred.)

c.) **CAMA Land Use Meeting** – Mayor Perry asked if there is anyone on council who could attend the land use meeting in Plymouth later this month. Councilwoman Klutz said she would attend.

d.) **Ridge Road** – Mayor Perry said council has been notified that Ridge Road has a very narrow area that creates a safety issue and is a problem for buses and trash trucks. With the new housing development at the end of Ridge Road there is more vehicular traffic and he would like for council to direct staff to find out what it will take to widen the area.

Other councilmembers said they have also received complaints and agreed with asking staff to find out what it will take to correct it.

12. Public Comment

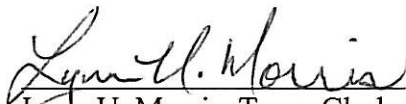
There were no public comments.

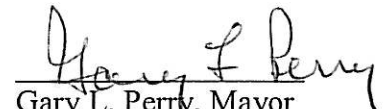
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13. Adjourn

Councilman Garriss made a motion, seconded by MPT Bateman, to adjourn. The vote was unanimous. The time was 7:06 p.m.

These minutes were approved at the March 3, 2014 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor